

Executive Summary – Enforcement Matter – Case No. 42532

ConocoPhillips Company

RN102495884

Docket No. 2011-1680-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Borger Refinery, State Spur 119 North, Borger, Hutchinson County

Type of Operation:

Crude oil refinery and Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-1891-AIR-E and 2011-1328-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$37,500

Amount Deferred for Expedited Settlement: \$7,500

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$15,000

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. - Clean School Buses

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42532

ConocoPhillips Company

RN102495884

Docket No. 2011-1680-IHW-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 4, 2011

Date(s) of NOE(s): August 12, 2011

Violation Information

Failed to prevent the disposal of an unauthorized hazardous waste into a permitted waste management unit. Specifically, the Respondent disposed of 180 barrels of spent caustic waste (Hazardous Waste Code 2908019H) on July 10, 2011 into a permitted surface impoundment (Permitted Unit No. 2, Notice of Registration Waste Management Unit No. 032) which is a unit not authorized to receive this waste [30 TEX. ADMIN. CODE § 335.2(b), 40 CODE OF FEDERAL REGULATIONS § 270.1(c), and IHW Permit No. 50078, Provision No. IV.B.1.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, develop and implement procedures that will prevent the disposal of waste into units not authorized to accept that waste; and
 - b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 42532
ConocoPhillips Company
RN102495884
Docket No. 2011-1680-IHW-E

TCEQ Enforcement Coordinator: Thomas Greimel, Enforcement Division,
Enforcement Team 7, MC 128, (512) 239-5690; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Chris Coon, Refinery Manager, ConocoPhillips Company, State Spur 119
North, Borger, Texas 79008

Sandy Keys, Environmental Scientist, ConocoPhillips Company, State Spur 119 North,
Borger, Texas 79008

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1680-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Payable Penalty Amount:	Thirty Thousand Dollars (\$30,000)
SEP Amount:	Fifteen Thousand Dollars (\$15,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Clean School Buses
Location of SEP:	Texas Air Quality Control Region 211 - Amarillo - Lubbock

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the

ConocoPhillips Company
Agreed Order - Attachment A

California Air Resources Board. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which was phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
Attention: Ken Awtrey
P.O. Box 635067
Nacogdoches, Texas 75961

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Sep-2011	Screening	15-Sep-2011	EPA Due	
	PCW	21-Oct-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN102495884		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	42532	No. of Violations	1
Docket No.	2011-1680-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Greimel
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	275.0% Enhancement	Subtotals 2, 3, & 7	\$27,500
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Notes: Enhancement for 10 NOVs with dissimilar violations, 10 orders with denial of liability, and three orders without denial of liability and reduction for 10 notices of intended audit and five disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$301
Approx. Cost of Compliance \$7,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$37,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$37,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$37,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$7,500
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$30,000
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Screening Date 15-Sep-2011

Docket No. 2011-1680-IHW-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 42532

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	10	-10%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	5	-10%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 275%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 10 NOVs with dissimilar violations, 10 orders with denial of liability, and three orders without denial of liability and reduction for 10 notices of intended audit and five disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 275%

Screening Date 15-Sep-2011

Docket No. 2011-1680-IHW-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 42532

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b), 40 Code of Federal Regulations § 270.1(c), and Industrial and Hazardous Waste Permit No. 50078, Provision No. IV.B.1.

Violation Description

Failed to prevent the disposal of an unauthorized hazardous waste into a permitted waste management unit. Specifically, the Respondent disposed of 180 barrels of spent caustic waste (Hazardous Waste Code 2908019H) on July 10, 2011 into a permitted surface impoundment (Permitted Unit No. 2, Notice of Registration Waste Management Unit No. 032) which is a unit not authorized to receive this waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants and hazards which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

42 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Two monthly events are recommended from the August 4, 2011 investigation date to the September 15, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$37,500

This violation Final Assessed Penalty (adjusted for limits) \$37,500

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 42532
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	4-Aug-2011	30-Apr-2012	0.74	\$74	n/a	\$74
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that unauthorized waste is not disposed/managed in a unit not authorized to receive this waste at the Facility. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$74

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351 ConocoPhillips Company	Classification: AVERAGE	Rating: 3.60
Regulated Entity:	RN102495884 Borger Refinery	Classification: AVERAGE	Site Rating: 32.18
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50078
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30111
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD980626774
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00529
	POLLUTION PREVENTION PLANNING	ID NUMBER	P07213
	WASTEWATER	PERMIT	WQ0001064000
	WASTEWATER	EPA ID	TX0009148
	AIR NEW SOURCE PERMITS	PERMIT	9868A
	AIR NEW SOURCE PERMITS	REGISTRATION	11042A
	AIR NEW SOURCE PERMITS	REGISTRATION	11449A
	AIR NEW SOURCE PERMITS	REGISTRATION	11935A
	AIR NEW SOURCE PERMITS	PERMIT	11429A
	AIR NEW SOURCE PERMITS	REGISTRATION	14441A
	AIR NEW SOURCE PERMITS	REGISTRATION	22777
	AIR NEW SOURCE PERMITS	REGISTRATION	34417
	AIR NEW SOURCE PERMITS	PERMIT	43073
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0018P
	AIR NEW SOURCE PERMITS	AFS NUM	4823300015
	AIR NEW SOURCE PERMITS	REGISTRATION	71385
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M6
	AIR NEW SOURCE PERMITS	PERMIT	71385
	AIR NEW SOURCE PERMITS	PERMIT	80799
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1119
	AIR NEW SOURCE PERMITS	REGISTRATION	82659
	AIR NEW SOURCE PERMITS	REGISTRATION	94829
	AIR NEW SOURCE PERMITS	REGISTRATION	90208
	AIR NEW SOURCE PERMITS	REGISTRATION	89064
	AIR NEW SOURCE PERMITS	REGISTRATION	90182
	AIR NEW SOURCE PERMITS	REGISTRATION	95901
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1158
	AIR NEW SOURCE PERMITS	PERMIT	85872
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M7
	AIR NEW SOURCE PERMITS	REGISTRATION	87666
	AIR NEW SOURCE PERMITS	REGISTRATION	87458
	AIR NEW SOURCE PERMITS	REGISTRATION	87158
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M8
	AIR NEW SOURCE PERMITS	REGISTRATION	98518
	AIR NEW SOURCE PERMITS	REGISTRATION	96328
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0018P
	AIR OPERATING PERMITS	PERMIT	1440
	AIR OPERATING PERMITS	PERMIT	2166
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW380
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW382
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW325
	WASTEWATER LICENSING	LICENSE	WQ0001064000
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30111
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670145
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HW0018P
Location:	STATE SPUR 119 N		
TCEQ Region:	REGION 01 - AMARILLO		
Date Compliance History Prepared:	October 24, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 24, 2006 to October 24, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Thomas Greimel	Phone:	(512) 239-5690

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?

OWNOPR	ConocoPhillips Company
OWN	WRB Refining LLC
4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR ConocoPhillips Company
5. When did the change(s) in owner or operator occur? 02/08/2010 OWNOPR ConocoPhillips Company
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/18/2006 ADMINORDER 2006-0646-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 11/09/2007 ADMINORDER 2005-0717-UIC-E

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter A 331.7(a)

Rqmt Prov: VII.A - Waste Streams Prohibited ... OP

Description: Failed to prevent the unauthorized injection of a characteristically hazardous waste into a class I non-hazardous injection well, according to permit provision VII.A.

Effective Date: 11/19/2007 ADMINORDER 2005-1251-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(d)
40 CFR Part 61, Subpart FF 61.356(g)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340

40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)

40 CFR Part 61, Subpart FF 61.357(d)(8)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.424(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.428(h)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all required information in the fourth quarterly report of excess emissions for year 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.482-7

40 CFR Part 63, Subpart CC 63.648(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with leak repair requirements for valve No. 2205.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.486(b)

40 CFR Part 63, Subpart CC 63.648(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain tags for leaking components Specifically, valves No. 14005, 14254, and 14264 were not tagged as required.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate the flare with flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004.

Effective Date: 11/19/2007

ADMINORDER 2006-0087-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4 which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 5.B. PERMIT

Description: Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 5.D. PERMIT

Description: Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 9 PERMIT

Description: Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 11 PERMIT

Description: Failed to consistently maintain the required temperatures and oxygen concentrations for Unit 34 and 43.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 20 PERMIT

Description: Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 26 PERMIT

Description: Failed to consistently maintain the CO concentration below 500 parts per million volume ("ppmv") from Fluid Catalytic Cracking Units 29 and 40.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 30 PERMIT

Description: Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on between December 23 and 25, 2004 and January 16 and April 16, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 37.D. PERMIT

Description: Failed to annually inspect Tank 5550 for seal integrity verification in 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 41.I. PERMIT

Description: Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 42.H. PERMIT

Description: Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions 41.E. PERMIT

Description: Failed to seal 22 open ended valves in volatile organic compounds service.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 48 PERMIT

Description: Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 50 PERMIT

Description: Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 51 A. PERMIT

Description: Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 54 PERMIT

Description: Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 59 PERMIT

Description: Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 8 PERMIT

Description: Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr").

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million british thermal units per hour on March 2 and 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01440, General Terms and Cond. PERMIT

Description: Failed to include all deviations on the semi-annual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
30 TAC Chapter 335, SubChapter A 335.4(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.35
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1

Description: Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 101, SubChapter A 101.27(c)(1)

30 TAC Chapter 21 21.4

Description: Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623).

Effective Date: 12/20/2007

ADMINORDER 2007-0567-MLM-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial waste into or adjacent to the waters in the state.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a complete final report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the names of all affected facilities on the emissions event report for Incident No. 79367.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008

ADMINORDER 2007-0558-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 23 PERMIT

Description: Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 30' PERMIT

Description: Failed to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Part 60, Subpart A 60.18(c)(2)
40 CFR Part 63, Subpart A 63.11(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 10 PERMIT

Description: Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(1)
40 CFR Part 63, Subpart A 63.11(b)(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 in Units 34 and 43 on August 6 and December 15, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart Kb 60.115b(a)(3)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
40 CFR Part 60, Subpart A 60.18(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPN and 66FL2 on 3 occasions between June 6 and 9, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1 6, HDS, and Col. 39, respectively, within 15 days after discovering a leak.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006.

Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(6)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a quarterly equipment inspection certification report within 30 days after the end of

the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

Effective Date: 02/08/2009

ADMINORDER 2008-0431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart J 60.103
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: ConocoPhillips Company, Borger Refinery Unit 40 FCCU Stack (EPN 40P1) failed to meet the requirements of Permit No. 9868A/PSD-TX-102M6, 30 TAC §113.780 relating to the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries, and 40 CFR §60.103. Specifically,

during the stack performance test conducted on September 14, 2007, Unit 40 FCCU Stack failed to meet the 500 ppm allowable for Carbon Monoxide.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9868A/PSD-Tx-102M6 PERMIT

Description: The facility failed to prevent unauthorized emissions during the incident No. 103836. The facility did not meet the affirmative defense criteria (b)(2) and (b)(3) of the provisions of 30 TAC Chapter 101.222(b).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: The facility is in violation of the provisions of 30 TAC Chapter 116, §116.715(a) by failure to prevent unauthorized emissions during the incident No. 103818.

Effective Date: 05/18/2009

ADMINORDER 2008-1636-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit PERMIT
Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits for nitrogen oxides. Specifically, on September 3, 2008, Refinery Boiler 2.4 (EPN 81B17) exceeded the nitrogen oxides emissions subcap limit.

Effective Date: 11/27/2009

ADMINORDER 2009-0129-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 and 23 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on June 1, 2008, a tube failure occurred on Boiler 2.4 causing a steam system upset impacting most of the plant: the gas oil hydrodesulfurizer hydrocarbons ("GOHDS HC") Flare [Emissions Point Number ("EPN") 66FL12], the Cat Flare (EPN 66FL3), Unit 40 Fluid Catalytic Cracking Unit ("FCCU") (EPN 40PI), Unit 34 Sulfur Recovery Unit ("SRU") Incinerator (EPN 34I1), and Unit 43 SRU (EPN 43I1) emitted

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on June 29, 2008, hydrocarbon contamination of the Central Still Amine Absorber caused a shut down, and the Unit 34 SRU Incinerator (EPN 34I1) emitted 464 lbs of SO₂, 175 lbs of H₂S, 2.1 lbs of NO_x, and 0.55 lb of CO over a 34 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on July 19, 2008, the Unit 34 Tail Gas Treatment Unit stripper foamed, causing a unit shut down, and the Unit 34 SRU Incinerator (EPN 3411) emitted 716 lbs of SO₂, 7.62 lbs of H₂S, 1.53 lbs of NO_x, and 0.38 lb of CO over a 23 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on July 29, 2008, flaring occurred at the atmospheric residual desulfurization ("ARDS") Flare (EPN 66FL12) due to a pressure increase in the first stage suction scrubber in the Flash Gas Compressor in Unit 41, and the flare emitted 639 lbs of SO₂, seven lbs of H₂S, 0.86 lb of NO_x, 1.03 lbs of CO, and 3.37 lbs of VOC over a 20 minute period. Since these emissions were not timely reported

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Patton Creek area without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 1 (also known as North Coble) without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failed to have authorization to operate a source of air emissions. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 3 without notice or authorization. Emissions data subsequently submitted by the Respondent on November 21, 2008, in connection with attempting to claim Permit by Rule authorization for the system, established that emissions were above those authorized by Permit by Rule.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 4 without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's HP-7 remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Jackson's Hole remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Canyon Dam (also known as Area 3A) without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Lot 7 remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation

activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Caustic Pond remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 2B PERMIT

Description: Failed to maintain instrument monitoring of the flare pilot flame. Specifically, the Non-Corrosive Flare's (EPN 66FL4) pilot flame was not monitored by instrument on the following dates: December 22, 2007, March 3, May 7, and May 8, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 2C PERMIT

Description: Failed to operate flares with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hours. Specifically, those conditions were exceeded at the 100M Sour Water Treater Brine Flare Pit (EPN 66FL10) on March 13, 2008, at the ARDS Emergency Sulfur Flare (EPN 66FL13) on May 23, 2008, and at the Natural Gas Liquids Non-Corrosive Flare (EPN 66FL4) on March 7 and June 16, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 10 PERMIT

Description: Failed to operate the SRU Tail Gas Incinerator with no visible emissions, except for uncombined steam. Specifically, visible emissions were observed from the Unit 43 incinerator stack on January 11 and April 2, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 11 PERMIT

Description: Failed to operate the SRU thermal reactor at all times with a stable flame and to maintain the flame temperature at not less than 2,000 degrees Fahrenheit. Specifically, the SRU Unit 43 A's Thermal Reactor did not maintain the required flame and temperature on November 12, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 14 PERMIT

Description: Failed to maintain the SRU 43 sulfur pit connected to a vapor collection system which routes the recovered vapors back into the process. Specifically, the SRU Unit 43 vapor collection system was not operational on January 2 and April 9, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 28 PERMIT

Description: Failed to limit the fuel gas used to fire all of the Plant's heaters, boilers, and TGIS to a short term H2S concentration of no more than 162 parts per million volume. Specifically, the fuel gas exceeded that concentration on August 9, 2007 and March 9, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 41 PERMIT

Description: Failed to limit NOX emissions from an engine. Specifically, Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the NOx emissions limit of 2.0 grams per horse-power hour during a stack test on October 2, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 55 PERMIT

Description: Failed to ensure that a minimum coke moisture content of six percent by weight was maintained during coke handling and storage operations. Specifically, 60 samples taken between December 3, 2007 and December 23, 2008 showed moisture content between 0.7 and 5.95%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC59B PERMIT

Description: Failed to take samples and perform moisture analyses of coke piles. Specifically, the Respondent failed to do the sampling and analyses on the following dates: November 27, December 13, December 21, December 23, December 27, 2007, January 30, February 4, April 21, and April 26, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to limit PM emissions from the Unit 29 FCCU catalyst regenerator to no more than 1.0 kilograms per megagram (2.0 lb/ton). Specifically, a test conducted on December 6, 2007 showed that limit was exceeded.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 23 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on January 17, 2009, contaminated amine caused a temperature excursion and shut-down of the SRU 34 Feed Heater due to faulty level transmitters and the design of the level gauges, which made it difficult for plant operations to see the actual level of the absorbers. This condition, in turn, resulted in the following unauthorized emissions from the SRU incinerator (EPN 3411):

Effective Date: 12/18/2009

ADMINORDER 2009-1156-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 9868A and PSD-TX-10M7, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flex Permit 9868A and PSD-TX-102, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 09/26/2010

ADMINORDER 2010-0178-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX102M7, Special Condition (SC) No.1 PERMIT
Description: Failure to prevent unauthorized emissions from the GOHDS flare on August 17, 2009.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Provision No. 18 OP
Description: Failed to submit a complete deviation report no later than 30 days after the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to maintain Unit 12, Engine 42's catalyst on March 27, 2009 so that the pressure drop across the catalyst does not exceed the limits established during the performance test.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions No. 1.A. OP
Description: Failure to collect one fresh feed sulfur sample once per eight-hour period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial required benzene reports within 90 days of startup for the following units, which were started in June 2007: Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a complete final report for emissions event No. 124305 which occurred on May 15, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX102M7, SC No.1 PERMIT

Description: Failure to prevent unauthorized emissions from the Unit 34 incinerator stack on November 10, 2009.

Effective Date: 11/15/2010

ADMINORDER 2010-0675-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flexible Permit 9868A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event could have been avoided by better maintenance procedures for air cooler belts, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flexible Permit 9868A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event could have been avoided by either protecting the current power source, or ensuring backup power, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Effective Date: 05/08/2011

ADMINORDER 2010-1795-AIR-E

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.221(a)
5C THSC Chapter 382 382.0541(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01440 OP

Description: Failed to obtain significant revision of the Borger Refinery's federal operating permit, prior to the issuance of the revised federal operating permit in violation of 30 Tex. Admin. Code Ch. 122.221(a) and Tex. Health & Safety Code Ch. 382.0541(a)(1). Specifically, the respondent failed to obtain admendments associated with the modification to the Borger Refinery called the "Gasoline Benzene Reduction Project".

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track: No.)

1	06/15/2008	(467250)
2	03/16/2007	(517551)
3	11/03/2006	(518149)
4	11/03/2006	(518237)
5	11/03/2006	(518272)
6	11/30/2006	(532446)
7	10/25/2006	(536054)
8	01/22/2007	(537059)
9	02/23/2007	(540568)
10	03/06/2007	(542490)
11	04/09/2007	(554950)
12	06/04/2007	(557890)
13	05/08/2007	(557892)
14	05/11/2007	(558928)
15	05/17/2007	(559988)

16	05/25/2007	(560211)
17	06/12/2007	(561959)
18	07/23/2007	(568756)
19	07/23/2007	(569200)
20	07/23/2007	(569278)
21	09/04/2007	(571794)
22	09/04/2007	(571799)
23	09/04/2007	(573098)
24	09/04/2007	(573119)
25	09/04/2007	(573126)
26	09/04/2007	(573132)
27	09/04/2007	(573137)
28	09/04/2007	(573145)
29	08/28/2007	(573763)
30	09/28/2007	(596149)
31	10/15/2007	(596734)
32	12/18/2007	(599297)
33	12/07/2007	(610766)
34	12/04/2007	(610826)
35	12/06/2007	(610871)
36	12/13/2007	(610872)
37	03/04/2008	(610874)
38	02/05/2008	(617236)
39	02/22/2008	(618682)
40	03/03/2008	(619078)
41	03/10/2008	(637208)
42	03/31/2008	(637441)
43	03/10/2008	(637850)
44	03/12/2008	(638570)
45	04/16/2008	(639947)
46	04/11/2008	(639948)
47	04/04/2008	(640052)
48	04/22/2008	(640269)
49	04/22/2008	(640274)
50	04/04/2008	(641113)
51	04/04/2008	(641120)
52	04/04/2008	(641123)
53	04/04/2008	(641124)
54	04/04/2008	(641262)
55	04/16/2008	(641345)
56	04/08/2008	(641450)
57	04/16/2008	(641606)
58	04/15/2008	(641833)
59	04/15/2008	(646318)
60	04/21/2008	(653421)
61	04/23/2008	(653422)
62	05/05/2008	(654697)
63	05/15/2008	(655931)
64	05/14/2008	(670875)
65	05/14/2008	(670877)
66	05/19/2008	(671263)
67	06/13/2008	(682985)
68	06/17/2008	(683143)
69	06/17/2008	(683152)
70	06/17/2008	(683436)
71	06/24/2008	(683654)
72	06/24/2008	(683997)
73	07/08/2008	(685211)
74	07/08/2008	(685238)
75	07/28/2008	(685550)
76	08/07/2008	(687671)
77	08/07/2008	(687839)

78	09/11/2008	(700350)
79	09/11/2008	(700366)
80	09/11/2008	(700371)
81	08/29/2008	(700947)
82	09/11/2008	(701024)
83	09/30/2008	(702043)
84	09/10/2008	(702303)
85	01/16/2009	(702466)
86	04/09/2009	(702467)
87	09/16/2008	(702968)
88	09/30/2008	(703769)
89	09/03/2008	(705401)
90	10/16/2008	(705600)
91	10/17/2008	(705742)
92	10/28/2008	(706256)
93	11/12/2008	(707907)
94	11/18/2008	(708075)
95	11/18/2008	(708314)
96	12/12/2008	(710274)
97	12/18/2008	(721682)
98	03/16/2009	(722376)
99	01/23/2009	(724227)
100	01/21/2009	(724249)
101	02/06/2009	(725574)
102	03/12/2009	(735634)
103	03/13/2009	(738460)
104	03/20/2009	(739343)
105	04/17/2009	(740572)
106	05/26/2009	(743528)
107	05/26/2009	(744736)
108	06/09/2009	(748196)
109	05/14/2009	(748444)
110	03/03/2009	(749334)
111	12/01/2007	(749338)
112	07/08/2009	(759105)
113	07/07/2009	(759763)
114	08/18/2009	(761247)
115	08/27/2009	(767178)
116	09/30/2009	(776673)
117	09/30/2009	(777291)
118	09/30/2009	(777352)
119	10/01/2009	(777985)
120	10/02/2009	(778026)
121	01/15/2010	(779772)
122	11/10/2009	(781161)
123	12/21/2009	(786080)
124	12/21/2009	(786084)
125	12/28/2009	(786674)
126	01/14/2010	(787008)
127	03/03/2010	(791583)
128	02/25/2010	(792398)
129	03/09/2010	(793850)
130	04/14/2010	(796156)
131	03/29/2010	(797217)
132	04/29/2010	(800142)
133	05/25/2010	(802372)
134	05/19/2010	(803083)
135	05/19/2010	(803107)
136	05/26/2010	(824743)
137	07/12/2010	(841011)
138	07/23/2010	(842679)
139	08/10/2010	(843540)

140	09/07/2010	(858033)
141	01/14/2011	(860293)
142	07/21/2010	(863285)
143	03/18/2011	(864531)
144	08/23/2010	(869782)
145	10/29/2010	(872276)
146	10/28/2010	(872342)
147	09/20/2010	(876720)
148	12/01/2010	(879347)
149	12/01/2010	(879480)
150	10/21/2010	(884246)
151	12/14/2010	(884717)
152	01/05/2011	(886112)
153	01/10/2011	(886730)
154	01/03/2011	(886732)
155	01/10/2011	(886872)
156	10/31/2010	(890615)
157	02/01/2011	(890887)
158	02/03/2011	(892932)
159	01/25/2011	(892943)
160	02/02/2011	(893218)
161	02/03/2011	(894493)
162	12/15/2010	(899000)
163	12/31/2010	(904867)
164	02/22/2011	(911813)
165	04/07/2011	(911915)
166	09/26/2011	(915621)
167	03/14/2011	(919092)
168	05/19/2011	(921431)
169	05/25/2011	(922401)
170	04/07/2011	(932364)
171	07/11/2011	(937169)
172	07/14/2011	(937214)
173	07/22/2011	(937506)
174	07/21/2011	(937524)
175	10/05/2011	(937579)
176	05/16/2011	(940793)
177	07/14/2011	(940925)
178	08/10/2011	(942876)
179	08/12/2011	(942940)
180	10/06/2011	(957987)
181	10/11/2011	(962081)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

	Date: 04/09/2007 (554950)	CN601674351
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)	
	Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)	
	Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.	
	Date: 06/05/2007 (557890)	CN601674351
	Self Report? NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)	
Description:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G) The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §§101.201(b)(1)(D) and (b)(1)(G) by failing to provide the names of all affected facilities and the non-combustible emission values associated with the flaring activity for the incident No. 84788.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)	
Description:	The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86636.	

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)		
Description:	The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86811.		
Date	12/18/2007 (599297)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
Description:	The review of the deviation report, submitted on January 30, 2007 indicated that Conoco-Phillips failed to provide the required information for the non-reportable events at this facility.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)		
Description:	The facility failed to comply with the provisions of 40 CFR 60, §60.482-7(c)(1).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)		
Description:	The facility failed to comply with the provisions of 40 CFR 60, §60.482-2(a)(1).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §111.111(a)(4)(A), 30 TAC §116.715(a), 40 CFR 63, §63.11(b)(4), and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Description:	The facility failed to comply with the provisions of 30 TAC §111.111(a)(1)(B).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)		
Description:	The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1) and 40 CFR 63 Subpart CC, §63.648(a).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)		

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(c)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)

Description: The facility failed to comply with the provisions of 40 CFR 63, Subpart CC, §63.643(a)(2).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(a)(1), §60.483-2(b)(2), and 40 CFR 63 Subpart CC, §63.648(a).

Date 03/04/2008 (610874) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: The facility failed to submit the initial report within 24 hours following the discovery of the incident.

Date 04/16/2008 (639947) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 101261.

Date 04/16/2008 (641345) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 102617.

Date 01/16/2009 (702466) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)

Description: The facility is in violation of the provisions of 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)

Description: The facility is in violation of provisions of §60.106(j)(1).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

Description: The facility is in violation of provisions of §60.104(a)(2)(i).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Description: The facility is in violation of provisions of §63.167(a)(1) and 30 TAC §113.130.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)

Description: The facility is in violation of the provisions of 30 TAC §113.340, §63.120(b)(9), and §63.646(a).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)

Description: The facility is in violation of provisions of 30 TAC §122.165(a).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: The facility is in violation of provisions of 40 CFR 60, §60.7(a)(3).

Date 09/30/2009 (777985) CN601674351

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

9868A/PSD-TX-102M6 PERMIT

Description: Failure to use an air-assisted flare only when the net heating value of the gas being combusted is 300 Btu/scf or greater.

Date 01/15/2010 (779772) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)

5C THSC Chapter 382 382.085(b)

General Condition OP

Description: The review of the deviation reports submitted on January 30, 2009 and on July 30, 2009 indicated that on 12/16/2008 and during the period 02/04/2009 through 06/25/2009 for Unit 12, Engine 44, 4-hour average inlet temperature fell below the 750 degrees Fahrenheit. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
5C THSC Chapter 382 382.085(b)
General Conditions OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that on 06/04/2009 for Unit 12, Engine 41, pressure drop across the catalyst did not operate within the established operating limitations, which were established during the performance test. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Provision No. 17(A) OP
Special provision No. 41 PA

Description: The review of information submitted by the company in the deviation report which was submitted on January 30, 2009 indicated that Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the CO emission limit of 3.0 gr/hp-hr during its third quarterly stack test on September 30, 2008. The facility is in violation of the provisions of §116.715(a), §382.085(b), 30 TAC §122.143(4), and the Special Condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(f)
5C THSC Chapter 382 382.085(b)
Specail Provision No. 17(A) OP

Description: The semi-annual report, required under the provisions of 40 CFR 60 Subpart J was submitted on August 1, 2008 and was late. The facility is in violation of provisions of 40 CFR 60 Subpart J, §60.107(f), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
Special Condition No. 2(B) PA
Special provision No. 17(A) OP

Description: The review of the deviation reports indicated that the facility was unable to monitor by instrumentation on 07/25/2008 for the flare 66FL10, on 07/25/2008 for the flare 66FL11, on 12/09/2008 and 03/14/2009 for the flare 66FL4, and on 07/25/2008 for the flare 66FL8 in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(f)(2), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 55 PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that the Coke moisture content was less than 6 percent on 01/06/2009 and 01/12/2009. The facility is in violation of the provisions of the special condition No. 55 of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special condition No. 59(B) PA
Special Provision No. 17(A) OP

Description: The review of the deviation reports indicated that samples for Coke moisture analysis were not collected every other day on 11/15/2008, 12/01/2008, 12/03/2008, 12/07/2008, 12/17/2008, 12/21/2008, and 01/16/2009. The facility is in violation of the provisions of the special condition No. 59(B) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Special Provision No. 18 OP

Description: The deviation reports which were submitted on January 25, 2008 and July 30, 2008 were incomplete and did not contain the deviations regarding the facility's failure to maintain Coke moisture content of 6 percent on several occasions. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.145(2)(A), 30 TAC §122.143(4), and the special condition No. 18 of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report submitted on January 30, 2009 indicated that for Tank 1165, the facility failed to submit the seal gap inspection results within 30 days. The tank was inspected on July 15, 2008. A report was due by August 14, 2008. The report was not submitted until September 8, 2008. The facility is in violation of provisions of 40 CFR 60 Subpart Kb, §60.115b(b)(4), §382.085(b), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: The review of the deviation report submitted on January 30, 2009 indicated that open-ended lines were discovered as follows:

Unit 19 Naphtha HDS: tag No. 50344 on 07/14/2008
Unit 29 FCCU Heater: tag No. 56906 on 08/06/2008
Column 134: tag No. 45866 on 08/07/2008
Unit 40 Fractionator: tag Nos. 13990 and 53449 on 08/12/2008

The facility is in violation of the provisions of 40 CFR 63, §63.648(a), 40 CFR 63, §63.167(a), 40 CFR 60, §60.482-6(a)(1), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 45(E) PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on January 30, 2009 indicated that the stack test reports for the engines 12E2, 12E3, 12E5, 93E2, and 93E3 were not submitted within 60 days (the deadline was July 22, 2008 but the report was not submitted until August 12, 2008). The facility is in violation of the provisions of the special condition No. 45(E) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 45(B) PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that Unit 12 Engine 47 was not tested within 14 days of replacement of O2 sensor. The oxygen sensor was changed on February 18, 2009 but the engine was not tested until March 18, 2009. The facility is in violation of the provisions of the special condition No. 45(B) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
General Conditions OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that 23 new valves were tagged but not monitored during the period 01/01/2009 through 04/30/2009. The facility is in violation of the provisions of 40 CFR 60, §60.482-7(a)(2), and §122.145(2)(A), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT j 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 28 PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that the hydrogen sulfide concentrations in the fuel gas exceeded the allowable value on 05/06/2009. The facility is in violation of the provisions of the special condition No. 28 of the flexible permit No. 9868A, §116.715(a), 40 CFR 60, §60.104(a)(1), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)
5C THSC Chapter 382 382.085(b)
Special Provision No. 5(E) OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that waste which potentially contained benzene was stored in an uncontrolled tank during the period 03/10/2009 through 03/30/2009 in violation of emission control provisions of Subparts A and FF. The facility is in violation of the provisions of §61.12(c), §61.343(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 5(E) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.650(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(c)(1)
5C THSC Chapter 382 382.085(b)
Special Provision No. 9(B) OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that the facility failed to record and maintain the temperature of the thermal oxidizer during the period 06/01/2009 through 06/03/2009. The facility is in violation of the provisions of 40 CFR 63 Subpart CC, §63.650(a), Subpart R, §63.428(c)(1), §382.085(b), 30 TAC §122.143(4), and the special condition No. 9(B) of the SOP No. O-01440.

Date 01/14/2011 (860293) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090 by failure to maintain the catalyst inlet temperature of 750 degrees Fahrenheit for engines 41, 42, 43, and 45 on 8/5/2009 and for engine 42 on 10/19/2009, 10/29/2009, and 11/18/2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the provisions of 30 TAC §116.715(a), §382.085(b), and 30 TAC §122.143(4) by failure to comply with the special condition No. 8 of the permit No. 9868A with regard to maintaining a minimum temperature of 1180 degrees Fahrenheit in Unit 43 incinerator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(f)(2), §382.085(b), §63.11(b)(5), and 30 TAC §122.143(4) by failure monitor the pilot flame by instrumentation on 8/18/2009 for the flare 66FL3.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 29, 2010 (pages 36, 37, 39, and 41 of 50) indicated that the pilot flame was absent on 8/18/2009 for the flare 66FL3 and on 12/22/2009 for the flare 66FL4. The facility is in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(c)(2), §382.085(b), §63.11(b)(5), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the special condition No. 46 of the permit No. 82659 by failing to maintain the NOX emissions rate of 0.02 lb/MMBtu. The facility is in violation of the provisions of §116.715(a), §122.143(4), and §382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the provisions of 30 TAC §116.715(a), §382.085(b), §60.482-7(c)(1)(i), and 30 TAC §122.143(4) by failure to monitor 13 components in Gasoline Blending Unit during the month of October 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the provisions of 30 TAC §116.715(a), §382.085(b), and 30 TAC §122.143(4) by failure to comply with the special condition No. 2(C) of the permit No. 9868A regarding the visible emissions from the flares.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of 40 CFR 63, §63.648(a), 40 CFR 63, §63.167(a), 40 CFR 60, §60.482-6(a)(1), and §382.085(b), and 30 TAC §122.143(4) by failure to comply with the open-ended valves or lines of 40 CFR 60 Subpart VV.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
5C THSC Chapter 382 382.085(b)
Description: Conoco-Phillips is in violation of the provisions of 40 CFR 60, §60.482-7(a)(2), §382.085(b), §122.145(2)(A), and 30 TAC §122.143(4) by failure to monitor the new components 30 days after the end of the startup dates.

F. Environmental audits.

Notice of Intent Date: 08/11/2006 (514112)
Disclosure Date: 11/08/2006

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to meet repair deadlines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.593(d)

Description: Failure to properly identify some components in crude oil service.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6

Description: Failure to close 7 open-ended lines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

Description: Exceeded 3% cap for DTM components in Unit 45.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

Description: Failure to include all required components in LDAR program.

Notice of Intent Date: 11/13/2006 (534247)
Disclosure Date: 12/20/2006

Viol. Classification: Minor
Rqmt PERMIT PSD-TX102-M5
Prov:

Description: Failure to monitor all relief valves for leaks quarterly.

Viol. Classification: Moderate

Rqmt PERMIT PSD-TX-102M5
Prov:

Description: Failure to maintain records of monthly average temperature and vapor pressure of tanks which receive liquids above ambient temperature.

Notice of Intent Date: 04/27/2007 (561240)
No DOV Associated

Notice of Intent Date: 07/21/2008 (700395)
Disclosure Date: 02/19/2009

Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-2

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to complete routine method 21 inspections for 14 pumps. In addition, 3 AVO (audible, visual, olfactory) leaks exceeded the required 5 day first attempt at repair.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Unit 28 was found to exceed the 3% difficult-to-monitor valve cap by 3.4 %.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to tag components. Specifically, approximately 97 tags in Unit 9 plus smaller amounts in several other reviewed units were not available in the LeakDAS database.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

40 CFR Part 63, Subpart H 63.167

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to close open ended lines. Specifically, 3 open ended lines were found without control by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)

Description: Failure to fill out all leak tags with appropriate data in Units 6 and 7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to meet the 30 day monitoring requirement for 5 management of change components.

Notice of Intent Date: 10/20/2008 (707547)

Disclosure Date: 06/04/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(5)

Description: Failure to include uncontrolled wastewater streams in the 2007 total annual benzene report and benzene quantity quantifications.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)

Description: Failure to properly identify the HP7 recovery system equipment in the 2007 TAB/BQ report as "controlled"; however, the equipment in this area did not meet the physical control requirements (e.g., junction box covers) and the equipment was not included in the BWON program for visual inspections and fugitive monitoring.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failure to maintain a record of carbon canister design replacement interval for the South Coble carbon canister system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)

Description: Failure to comply with BWON regulations as they applied to a Remediation Pilot Project. Specifically, during the audit, the Borger Refinery discovered that BWON regulations applied to the Remediation Project which had been previously installed. The Pilot Project had operated from June 05, 2008 to December 01, 2008 without carbon canister controls on an enclosed Frac tank. Carbon canisters had been added to bring the Pilot Project in compliance with Texas Permit by Rule requirements.

Notice of Intent Date: 03/10/2009 (740239)

Disclosure Date: 12/18/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to accurately report remediation fugitives from Emissions Inventory for reporting years 2005 to 2007.

Notice of Intent Date: 05/19/2009 (759301)

No DOV Associated

Notice of Intent Date: 04/05/2010 (826787)

No DOV Associated

Notice of Intent Date: 10/19/2010 (877218)

No DOV Associated

Notice of Intent Date: 02/14/2011 (901451)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2011-1680-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a crude oil refinery and chemical manufacturing plant at State Spur 119 North in Borger, Hutchinson County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 17, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Dollars

(\$15,000) of the administrative penalty and Seven Thousand Five Hundred Dollars (\$7,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Fifteen Thousand Dollars (\$15,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to prevent the disposal of an unauthorized hazardous waste into a permitted waste management unit, in violation of 30 TEX. ADMIN. CODE § 335.2(b), 40 CODE OF FEDERAL REGULATIONS § 270.1(c), and IHW Permit No. 50078, Provision IV.B.1., as documented during an investigation conducted on August 4, 2011. Specifically, the Respondent disposed of 180 barrels of spent caustic waste (Hazardous Waste Code 2908019H) on July 10, 2011 into a permitted surface impoundment (Permitted Unit No. 2, Notice of Registration Waste Management Unit No. 032) which is a unit not authorized to receive this waste.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2011-1680-IHW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fifteen Thousand Dollars (\$15,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures that will prevent the disposal of waste into units not authorized to accept that waste, in accordance with 30 TEX. ADMIN. CODE § 335.2(b), 40 CODE OF FEDERAL REGULATIONS § 270.1(c), and IHW Permit No. 50078, Provision No. IV.B.1.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

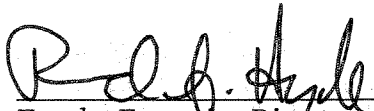
may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/4/12

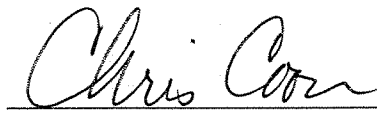
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

1/10/12

Date

CHRIS COON

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

Refinery Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-1680-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Payable Penalty Amount:	Thirty Thousand Dollars (\$30,000)
SEP Amount:	Fifteen Thousand Dollars (\$15,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Clean School Buses
Location of SEP:	Texas Air Quality Control Region 211 - Amarillo - Lubbock

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the

ConocoPhillips Company
Agreed Order - Attachment A

California Air Resources Board. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which was phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
Attention: Ken Awtrey
P.O. Box 635067
Nacogdoches, Texas 75961

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.